

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Fleta Erwin,

Plaintiff,

vs.

Accordius Health, LLC,

Defendant.

Civil Action No. 3:20-cv-00237-FDW-
DCK

**DEFENDANT'S CONSENT MOTION
FOR EXTENSION OF TIME**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant Accordius Health LLC ("Defendant") respectfully moves the Court for a twenty-one (21) day extension of time, through and including June 8, 2020, within which to answer or otherwise respond to Plaintiff's Complaint.¹ In support of this Motion, Defendant shows the Court as follows:

1. On April 20, 2020, Plaintiff Fleta Erwin ("Plaintiff") filed her Complaint in the United States District Court for the Western District of North Carolina. (Doc. 1).
2. The Summons and Complaint were served on Defendant on April 27, 2020.
3. Defendant's responsive pleading is due on or before May 18, 2020.
4. Accordingly, the time for Defendant to answer or otherwise respond to Plaintiff's Complaint has not yet expired.
5. Defendant has not previously requested an extension of time to respond, and this Motion is made in good faith and not for the purpose of undue delay.
6. Defendant requires additional time to respond to Plaintiff's Complaint. In order to allow for adequate review of Plaintiff's allegations asserted in the Complaint and to prepare a

¹ Judge Whitney's chambers previously has instructed that in light of recent amendments to the Federal Rules and Local Rules related to counting days in seven day increments, a party may seek an extension of twenty-one days. Further, in the present case the twentieth day, i.e., June 7, 2020, falls on a Sunday.

thorough and appropriate response, Defendant requests a twenty-one (21) day extension of time from May 18, 2020, through and including June 8, 2020, within which to answer or otherwise respond to the Complaint.

7. In accordance to Local Rule 7.1(B), counsel for Defendant has consulted with counsel for Plaintiff, who has consented to the relief sought in this Motion.

8. A proposed Order granting the requested extension of time is submitted herewith.

WHEREFORE, for good cause shown, Defendant respectfully requests that this Honorable Court enter an order setting its deadline to answer or other plead in response to Plaintiff's Complaint, through and including June 8, 2020.

Dated: May 13, 2020

/s/ Jerry H. Walters, Jr.

Jerry H. Walters, Jr., Bar No. 23319

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Attorneys for Defendant

Accordius Health LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served upon the following counsel of record via the CM/ECF system:

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Attorneys for Plaintiff

/s/ Jerry H. Walters, Jr.

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